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## **NEWS RELEASE**

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### **CITY WILL APPEAL SUPERIOR COURT RULING THAT CITY VIOLATED ITS USE AGREEMENT OF THE CHILDREN'S POOL IN LA JOLLA**

**San Diego, CA:** The City of San Diego is appealing a Superior Court ruling that claims the City breached the terms and obligations of its agreement in the use of the "Children's Pool" in La Jolla. The case, *Valerie O'Sullivan v. City of San Diego*, challenges the City's use and maintenance of the "Children's Pool" in La Jolla under the 1931 state tidelands trust.

On February 21, 2006, the San Diego City Council, in closed session, voted 7 to 1 to appeal the trial court's ruling. The motion was brought by Councilmember Donna Frye and seconded by Councilmember Tony Young. The lone opposition was by Council President Scott Peters.

According to Deputy City Attorney Robert Martinez, on October 4, 2005, San Diego Superior Court Judge William C. Pate ordered the City to "employ all reasonable means to restore the Pool to its 1941 condition by removing the sand build-up and further reduce the level of water contamination in the Pool to levels certified by the County of San Diego as being safe for humans."

The City is also appealing Judge Pate's decision to award the Plaintiff \$479,847.15 in attorney's fees and costs. Paul Kennerson, the attorney for Plaintiff, has also appealed the award, seeking a greater amount in attorney's fees and costs.

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